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**REMARKS**

Claims 1-30 of the application stand rejected. Claims 1, 3, 15 and 24 have been amended herein to more clearly define the scope of the presently claimed invention. Applicant respectfully requests reconsideration of pending Claims 1-30 in light of the amendments and remarks herein.

**35 U.S.C. §103**

Claims 1-6 and 24-27 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Herz, U.S. Patent No. 6,460,036 (hereafter "Herz") in view of John I. Kiger, "The Depth/Breadth Tradeoff in the Design of Menu-Driven User Interfaces" (hereafter Kiger"). The Examiner submits that Herz and Kiger, in combination, disclose all the elements in these claims. Applicants respectfully traverse the Examiner's rejection.

First, Applicant submits that the references cannot be combined in the manner suggested by the Examiner. Herz describes a system and method for providing customized electronic newspapers and target advertisements while Kiger discusses the design of menu-driven user interfaces. There is nothing in either reference that suggests that the reference be combined with the other. The mere fact that if combined, the combination *may* provide a benefit does not render the combination of the references obvious or proper. As set out in M.P.E.P. § 706.02(j), "(t)here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicant respectfully submits that there is no such motivation.

Herz discloses a system and method for providing customized electronic newspapers and target advertisements. The Examiner suggests that Cols. 8 and 9 and FIG. 10 of Herz describe all the elements of the independent claims, with the exception of "sub-items representing at least one of a depth information and a breadth information relating to the item." The Examiner submits, however, that Kiger teaches this element and that it would have been obvious to one of ordinary skill in the art to include's Kiger's teaching into Herz because the system "would be enhanced by providing an intuitive tool

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of visually and graphically captured information in a graphical based tree structure user interface to its end user, thus the system would providing an intuitive tool to an end user."

Again, Applicant respectfully submits that the mere fact that a combination may provide an advantage does not necessarily prove that there was a motivation to combine the references in the manner suggested by the Examiner. Applicant respectfully maintains that since Kiger makes no reference to newspapers and target advertisements, one of ordinary skill in the art would not be motivated to combine these two references. In fact, since Kiger appears to have an effective date of December 1982, approximately 15 years prior to the filing of Herz, the fact that Herz does *not* incorporate this feature teaches against such a combination. If, as the Examiner suggests, it would have been obvious to one of ordinary skill in the art to combine these references, Herz would likely have done so to provide the benefits articulated by the Examiner. Instead, Herz makes no mention whatsoever of representing depth and/or breadth information. Applicant thus respectfully submits that the fact that Herz does not incorporate such a feature teaches away from this element of the claim.

Additionally, since the presently claimed invention is directed to a *graphical* user interface, Applicant respectfully submits that Kiger may not be applicable altogether. Kiger describes a "menu-driven information retrieval system" and upon further consideration of the description in Kiger, these "menu-driven" aspects of Kiger do not remotely resemble menus within graphical user interfaces as understood by those of ordinary skill in the art. The menu-driver interface in Kiger is a fixed tree structure used to construct a database (See e.g., P203). There is no description, suggestion or teaching to dynamically generate an interface, as claimed herein. Applicant therefore maintains that the combination of these references is improper and requests the Examiner to withdraw the 35 U.S.C. § 103 rejections to Claims 1-6 and 24-27.

Even assuming arguendo these references were properly combined, Applicant respectfully submits that Herz and Kiger do not render Claims 1-6 and 24-27 unpatentable. The sections of Herz highlighted by the Examiner do not disclose various other elements of the claimed invention. For example, Herz does not teach the element of "retrieving sub-items from a storage medium". The Examiner suggests that Herz discloses the limitation of "the sub-items are dynamically selected based on at least one

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pre-determined factor" in terms of "pieces of information are termed attributes collectively to form a profile of the target objects or target profile." The Examiner goes on to explain that "where the system for customized electronic identification of desirable objects are activates to identify the selection of interest, a particular category of on-line products for review or purchase by the user, it can be appreciated that there are certain unique sets of attribute which are pertinent to the particular product category of choice (see Col. 9, line 65 – Col. 10, line 6)." Applicant respectfully submits that Applicant fails to understand the Examiner's explanation. As such, Applicant requests additional information to evaluate this rejection.

Applicant maintains that the attributes in Herz cannot be construed to be the "sub-items associated with an item", as claimed herein. As described in the specification, for example, if the item is a calendar entry, the *item may be associated with various sub-items*, such as the location, time and type of meeting. If the user elects to view the location of the meeting, the information regarding this sub-item may then be stored. The next time the user retrieves a calendar entry, the user may see both the meeting notice and a location (based on the user's previous use). This system differs significantly from the system in Herz which tries to identify *additional items* of interest to the user based on various attributes of the item, rather than dynamically selecting *sub-items associated with the item* for display, as claimed herein. Thus, although Herz may display various additional items to a user based on the attributes of the item selected by the user, it does not disclose at least the limitation in Claims 1 and 24 of retrieving sub-items from a storage medium.

In summary, Applicant respectfully submits that Herz does not anticipate independent Claims 1 and 24. As a result, Herz also does not anticipate dependant Claims 2-6 and 25-27. Applicant therefore respectfully requests the Examiner to withdraw the rejection to Claims 1-6 and 24-27 under 35 U.S.C. §103.

Claims 7, 9-20, 28 and 30 stand rejected under 35 U.S.C. §103 as being unpatentable over Herz in view of Kiger, further in view of Bodnar et al. (U.S. Patent No. 6,310,634, "Bodnar"). Applicant respectfully traverses the Examiner's rejection.

As previously discussed, Herz does not anticipate independent Claims 1 and 24. Herz similarly does not anticipate independent Claim 15. Bodnar does not teach or

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suggest the element of retrieving sub-items from a storage medium. Thus, the combination of Bodnar with Herz and Kiger still does not teach or suggest all the elements of the independent claims (Claims 1, 15 and 24). As a result, the combination of Herz, Kiger and Bodnar does not teach or suggest the elements of the claims dependant on these independent claims. Applicant therefore respectfully submits that Herz, Kiger and Bodnar, individually or in combination, do not render Claims 7, 9-20, 28 and 30 unpatentable.

In summary, Applicant submits that none of the cited references, alone or in combination render Claims 7, 9-20, 28 and 30 unpatentable. Applicant therefore respectfully requests the Examiner to withdraw the rejection to these claims under 35 U.S.C. §103.

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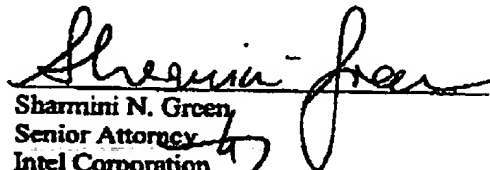
**CONCLUSION**

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1-30 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (310) 406-2362.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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